

THE PICTURESQUE ATLAS OF AUSTRALASIA

These were difficult years in New Zealand, when the economic position, following Vogel's boom of the 'seventies reached as low an ebb as the country has known. The rural communities in particular were affected, and they were the market that had bought readily the imposing volumes of the Picturesque Atlas. Many quailed at such an expense, but the contract had no loophole. Bowerman pressed for payment, and generally magistrates could do no other than sustain their claim.

Some of these cases are interesting. In Invercargill the Resident Magistrate gave a decision against the vendors (Bowerman)¹ on the grounds that oral evidence to the effect that the Picturesque Atlas was to be delivered monthly, was admissible, and that as these terms had not been followed, the contract was not binding. On appeal, however, this ruling was reversed by Sir Robert Stout, who pointed out that the contract stated specifically that the conditions could not be altered by an agent.

On another occasion the purchaser took delivery of four parts in 1888, and the bulk of the rest followed in one lump three years later. In his understandable exasperation he refused delivery, and an interesting altercation can be imagined before the agent left his undoubtedly heavy load (a full set weighs 34 lbs) at the gate. Again in the lower court the purchaser won his case, but again on appeal the Supreme Court gave for the vendors.

One purchaser endeavoured to evade his obligations by refusing to accept delivery since one part was duplicated and another lacking. Once more the Justices' finding for the defendant was altered by the judge, with stinging criticism of 'the incompetence of the Justices in the court below'.²

A case where the two courts agreed was when a purchaser, who had returned 14 parts objecting that monthly delivery had not been made, was required to accept them, but on an amended value.

1 9 N Z L R p. 157, 1891.

10 *ibid.* p. 60, 1893.

2 11 *ibid.* p. 392, 1893.

11 *ibid.* p. 358, 1891.

10 *ibid.* p. 348, 1891.